



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

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Chip Kimball
Bureau of Land Management
South Dakota Field Office
309 Bonanza St
Belle Fourche SD 57717

State of South Dakota Comments on Powertech's BLM Plan of Operations

Dear Ms. Kimball:

The South Dakota Department of Environment and Natural Resources (DENR) reviewed the proposed Plan of Operations (Plan) submitted to the Bureau of Land Management (BLM) for Powertech's proposed uranium operations at Dewey-Burdock in Fall River and Custer Counties, South Dakota. From this review we have developed the following comments:

1. A few references are made to ARSD 74:55:01 within the Plan. Under SDCL 34A-2-126, these rules were tolled and are no longer applicable to uranium operations until South Dakota establishes agreement state status with the Nuclear Regulatory Commission. These references were noted on the following sections:
 - a. Page 3-25, Section 3.9 Infrastructure Plans, Subsection "Well Integrity Testing"
 - b. Page 3-28, Section 3.9.1 Monitoring Well Layout and Design, Subsection "Non-production Monitoring Wells"
2. Several references are made to ARSD 74:29:11 within the Plan. Under SDCL 34A-2-126, these rules were tolled and are no longer applicable to uranium operations until South Dakota establishes agreement state status with the Nuclear Regulatory Commission. These references were noted on the following sections:
 - a. Page 4-9, Section 4.1.5 Facility Decommissioning, Subsection "Planning Criteria"
 - b. Page 4-11, Section 4.2.1 Ground Water Restoration, Subsection "Applicability"
 - c. Page 4-23, Section 4.3 Pond Design
 - d. Page 5-176, Section 5.6.5.2 Pond Design
 - e. Appendix 4.3-A, Pond Design Report
3. In Sections 4.1 and 4.1.5, the Plan indicates reclamation will be achieved based on wildlife habitat as indicated in ARSD 74:29:07:22. This is in contradiction with the South Dakota Large Scale Mine Permit Application currently filed with the DENR. In this application, Powertech has indicated they will complete reclamation in accordance with ARSD 74:29:07:20 and 21, which is

for grazing and agriculture uses. Under ARSD 74:29:03:02(3), a change to the postmining land use will require a new large scale mine permit application be filed with the State of South Dakota. To prevent the need to file a new mine permit application with the DENR, the reclamation goal should be changed to match those as mentioned in the Large Scale Mine Permit Application. Note, the large scale mine permit application has not received final approval as there is still a pending contested case hearing before the SD Board of Minerals and Environment. Visit <https://denr.sd.gov/des/mm/powertechpage.aspx> to review the Mine Permit application and DENR's recommended conditions.

4. In Section 4.2 it states, "After production ceases, Powertech(USA) will be restoring the groundwater consistent with baseline and in accordance with 10 CFR Part 40 Appendix A, Criterion 5(b) (5) and ARSD 74:29:07:08." In Section 4.2.1 it states, "The primary goal of groundwater restoration at the site will be to return groundwater quality within the production zone of a well field consistent with pre-operational baseline water quality conditions or to standards consistent with NRC's application of Criterion 5B(5) of Appendix A to 10 CFR Part 40 and ARSD 74:29:11:06."

It is confusing to have two separate references for state regulations regarding what ground water restoration goals are. All regulations under ARSD Chapter 74:29:11 have been tolled regarding in-situ uranium mining operations. This comment should be corrected.

5. In Section 4.2.1, Powertech has indicated if they are unable to restore the ground water consistent with preoperational baseline water quality conditions, the secondary goal would be to return water quality to its preoperational livestock watering and agricultural class of use. Livestock watering and agriculture are not classes of groundwater use recognized in South Dakota, making this secondary ground water restoration goal unachievable. This needs to be redefined.
6. In the numerous sections, there is mention of the irrigation systems meeting EPA primary drinking water standards. There is no mention of what additional water quality requirements may need to be met regarding the South Dakota Ground Water Discharge Plan application that has been filed with the state for these same irrigation systems. The Plan should address pending state ground water discharge requirements. Note, the Ground Water Discharge Plan has not received final approval as there is still a pending contested case hearing before the Water Management Board. Visit https://denr.sd.gov/des/gw/Powertech/Powertech_GW_Discharge_Permit.aspx to review the Ground Water Discharge Plan application and DENR's recommended conditions.

Thank you for allowing us a chance to review the draft BLM Plan of Operations for Powertech's proposed Dewey-Burdock project.

Sincerely,

\\Signed\\

Hunter Roberts
Secretary
SD Department of Environment and Natural Resources